THE BOMBAY ELECTRICITY (EMERGENCY POWERS) ACT, 1946.

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BOMBAY ACT No. XX OF 1946.[1]

[THE BOMBAY ELECTRICITY (EMERGENCY POWERS) ACT, 1946.]

[*30th September 1946.*]

An Act to provide for the continuance of the powers to control the supply, consumption, distribution and use of electrical energy in the Province of Bombay.

WHEREAS it is expedient to provide for the continuance of the powers to control the supply, consumption, distribution and use of electrical energy in the Province of Bombay; It is hereby enacted as follows:—

Short title, extent, commencement and duration.

1. (*1*) This Act may be called the Bombay Electricity (Emergency Powers) Act, 1946.

(*2*) It extends to the whole of the Province of Bombay.

(*3*) It shall come into force on the 1st day of October 1946.

(*4*) It shall be in force for a period of three years.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(*a*) "consumer", "licensee" and "works" have the meanings assigned to them in section 2 of the Indian Electricity Act, 1910; IX of 1910.

(*b*) "requisition" means a requisition made under the Indian Electricity Act, 1910, for the supply of electrical energy. IX of 1910.

Restriction on consumption of supply.

3. Notwithstanding anything contained in any contract or agreement, the Provincial Government may by an order in writing require any consumer to, and thereupon such consumer shall, reduce his consumption of electrical energy to such extent and in such manner and by such means as may be specified in the order. The Provincial Government shall serve a copy of the order on the licensee supplying the energy.

Discontinuance of supply in certain circumstances.

4. (*1*) Notwithstanding anything contained in the Indian Electricity Act, 1910, or any license granted thereunder or any agreement for the supply of electrical energy, the Provincial Government may, if in its opinion it is necessary or expedient for maintaining the supply or securing the equitable distribution of electrical energy, by an order in writing— IX of 1910.

(*i*) authorise, or

(*ii*) require

a licensee to, and the licensee when so required shall, discontinue or reduce the supply of electrical energy to any consumer, other than a distributing licensee, who—

(*a*) without the permission of the Provincial Government contravenes any direction issued to him under section 3; or

(*b*) without the permission of the Provincial Government—

(*i*) exceeds at any time the maximum demand in kw. of electrical energy recorded in respect of him during the twelve months ending the 31st January 1943, or

(*ii*) connects or has connected load beyond that notified in writing to the licensee up to the 31st January 1943.

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1946, Pt. V, page 122; for Proceedings in Assembly, *see* Bombay Legislative Assembly Debates, 1946, Vol. IX; and for Proceedings in Council, *see* Bombay Legislative Council Debates, 1946, Vol. X.

(*2*) The licensee shall—

(*i*) before discontinuing or reducing the supply of electrical energy under sub-section (*1*) give the consumer not less than 48 hours' notice in writing of his intention so to do ;

(*ii*) on discontinuing the supply, communicate to the Provincial Government within twenty-four hours from the date of discontinuance the circumstances in which he has done so ;

(*iii*) on being so directed by the Provincial Government recommence the supply with all possible speed.

(*3*) The licensee shall report to the Provincial Government within twenty-four hours of its coming to his notice every contravention of any direction given under section 3, or clause (*b*) of sub-section (*1*).

Restriction on supply of electrical energy and prohibition on reconnection of supply.

5. (*1*) Notwithstanding anything contained in the Indian Electricity Act, 1910, or in any license granted thereunder or in any contract or agreement or in any requisition, the Provincial Government may, if in its opinion, it is necessary or expedient for maintaining the supply or securing the equitable distribution of electrical energy, by order direct a licensee— IX of 1910.

(*a*) not to comply, except with the permission of the Provincial Government, with—

(*i*) the provisions of any contract, agreement or requisition (whether made before or after the commencement of this Act), for the supply (other than the resumption of a supply), or an increase in the supply, of electrical energy to any person,

(*ii*) any requisition for the resumption of a supply to a consumer after a period of six months from the date of its discontinuance,

(*iii*) any requisition for the resumption of a supply made within six months of its discontinuance, where the requisitioning consumer was not himself the consumer of the supply at the time of its discontinuance ;

(*b*) not to comply with any requisition for municipal purposes involving (otherwise than by way of replacement) any new works or additions to or alterations of works already installed.

(*2*) To obtain any permission required under sub-section (*1*), the licensee shall make an application to the Provincial Government in such form as the Provincial Government may notify in the *Official Gazette* in this behalf.

(*3*) On an application being made under sub-section (*2*) the Provincial Government may either refuse the permission sought or grant it either absolutely or subject to such conditions as it may think fit to impose, and may also call for such further particulars relating to the application as it may require.

Restriction on the use of electrical energy for the purpose of advertisement.

6. Notwithstanding anything contained in any contract or agreement, no person receiving a supply of electrical energy from a licensee notified in this behalf, in the *Official Gazette* by the Provincial Government, shall use or cause to be used such electrical energy in the area of supply of such licensee for exhibiting light intended for advertisement on the exterior of any premises, or on any plot of land or in any street or open place.

Continuance in force of existing Orders.

7. Every order made by the Central or Provincial Government under sub-rule (2) of rule 81 of the Defence of India Rules in respect of any of the matters specified in sections 3, 4, 5 and 6 of this Act and in force immediately before the commencement of this Act shall, so far as it could validly be made by the Provincial Government under the said sections, continue in force and be deemed to have been made

under the said sections, and every person authorised, permitted, directed or required to do anything under or in pursuance of any such order shall, so far as he could validly be so authorised, permitted, directed or required, as the case may be, by the Provincial Government under any of the said sections of this Act, be deemed to have been so authorised, permitted, directed or required, as the case may be, under the provisions of this Act.

IX of 1910.

Penalties.

8. Any person who—

(*a*) contravenes—

(*i*) any order made or deemed to have been made under section 3, 4, 5 or 6; or

(*ii*) any of the provisions of this Act; or

(*b*) is deemed to have been required or directed under section 3, 4, 5 or 6 to do or refrain from doing anything fails to comply with such requirement or direction,

shall, on conviction, be punishable with imprisonment for a term which may extend to six months or with fine or with both.

Offences by corporations

9. If the person referred to in section 8 is a company or other body corporate, the managing director, manager, secretary or other principal officer managing its business shall be deemed to be guilty of such contravention.

Cognizance of offences.

10. No Court shall take cognizance of any offence punishable under this Act except on a report in writing of the facts constituting such offence made by such public servant as may be authorised by the Provincial Government in this behalf.

Protection of action taken under Act.

11. (*1*) No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of any order, direction or requirement made or deemed to have been made under section 3, 4, 5 or 6.

(*2*) No suit or other legal proceeding shall lie against the Crown for any damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of any order made or deemed to have been made under section 3, 4, 5 or 6.

IX of 1910.

12. Every order or direction made or issued under this Act shall, as far as may be, be served in the manner prescribed in section 53 of the Indian Electricity Act, 1910.